

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MIA RENEE THOMAS,

Plaintiff,

STATE COURT

CASE NO. 18-014765-NI

vs.

1530320 ONTARIO, INC. aka  
LAKESHORE LOGISTICS, a foreign  
corporation, and JASON DYCK,  
jointly and severally,

Defendants.

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**NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT**

**NOW COME** the Defendants, JASON DYCK and 1530320 ONTARIO, INC. aka LAKESHORE LOGISTICS, and pursuant to **28 U.S.C. §1332, 28 U.S.C. §1441(a) and (b)**, hereby remove to this Court the state action described herein.

1. On or about November 16, 2018, a civil action was filed in the Wayne County Circuit Court styled Mia Renee Thomas vs. 1530320 Ontario, Inc. aka Lakeshore Logistics and Jason Dyck, case number 18-014765-NI (hereinafter the

"State Court action"). A copy of the Statement of Claim otherwise known as the Plaintiff's Complaint is attached hereto and incorporated herein as ***Exhibit A***.

2. Defendant 1530320 Ontario, Inc. aka Lakeshore Logistics received the Complaint on or about February 11, 2019. Defendant Jason Dyck received the Complaint on or about February 14, 2019.<sup>1</sup>

3. Responsive pleadings were filed on behalf of Defendants in the Wayne County Circuit Court on February 26, 2019. ***Exhibit B***.

4. The State Court action brought by the Plaintiff is wholly of a civil nature over which the United States District Court, Eastern District of Michigan has original jurisdiction pursuant to **28 U.S.C. §1332**. Said action is one that may be removed by the Defendants pursuant to **28 U.S.C. §1441(a)** and **(b)**, as there is diversity of citizenship.

5. This case is a civil action over which this court has diversity jurisdiction, pursuant to **28 U.S.C. §1332**. Specifically, the incident which gives rise to Plaintiff's cause of action occurred in the County of Wayne, State of Michigan. The Plaintiff is a resident/citizen of the State of Michigan. ***Exhibit A*** at

¶2. Defendant 1530320 Ontario, Inc. aka Lakeshore Logistics is a foreign corporation, incorporated in Canada, with its principal place of business and

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<sup>1</sup> Defendants explain that, although they received the Complaint, they deny that service was properly effectuated in accordance with the Hague Convention.

headquarters located in the Province of Ontario. Defendant Dyck is a resident/citizen of the Province of Ontario in Canada. *Exhibit A* at ¶3.

6. This Court has diversity jurisdiction over this matter pursuant to **28 U.S.C. §1332** based upon complete diversity of citizenship and because the amount in controversy in this matter, computed on the basis of all claims to be determined in this suit, presumably exceeds the jurisdictional sum or value of \$75,000.00, exclusive of interest and costs. In support of this allegation, the Defendants submit the following facts and reasons:

- a. Plaintiff is seeking compensation for personal injuries allegedly sustained as a result of a motor vehicle accident on June 8, 2018.
- b. Consistent with state court practice, Plaintiff's Complaint does not specify the sum sought as damages.
- c. Plaintiff alleges to have sustained injuries to her head, neck, shoulders, arms, knees, back, and chest, as well as serious impairment of body function and/or permanent serious disfigurement. *Exhibit A* at ¶12.
- d. In addition to non-economic damages, Plaintiff seeks economic damages for work loss. *Exhibit A* at ¶15.

- e. If the above allegations are all proven to be true, the amount in controversy and the value of the claims sought by Plaintiff exceeds the sum or value of \$75,000.00 exclusive of interest, costs and attorney fees.

7. A Notice of Filing Notice of Removal to Federal Court and a copy of this Notice of Removal of Civil Action have been filed with the 3<sup>rd</sup> Circuit Court for the County of Wayne, State of Michigan, as required by **28 U.S.C. §1446(d)**, and copies of the same have been served upon all counsel as verified by the attached proof of service.

8. Based upon the foregoing, the parties are entitled to remove this action to this Court under **28 U.S.C. §1332 and 28 USC §1446(a) and (b)**.

9. This Notice of Removal is filed in compliance with Rule 11 of the Federal Rules of Civil Procedure.

10. The Defendants reserve all defenses, including but not limited to, those under Rule 12(b) of the Federal Rules of Civil Procedure and do not waive said defenses by the filing of this Notice.

**WHEREFORE**, the Defendants, JASON DYCK and 1530320 ONTARIO, INC. aka LAKESHORE LOGISTICS, respectfully pray that the above-entitled action now pending against them in the Wayne County Circuit Court, case number

18-014765-NI, be hereby removed from the above-referenced State Court to the United States District Court for the Eastern District of Michigan.

Respectfully Submitted,

WILSON ELSER MOSKOWITZ  
EDELMAN & DICKER, LLP

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Dated: March 4, 2019

**PROOF OF SERVICE**

The undersigned certifies that on March 4, 2019, she served a copy of the foregoing document upon the attorneys of record, this Proof of Service with the Clerk of the Court using the USDC E-File & Serve E-Filing System, which will send such filing to all Counsel of Record.

<u>      </u> US Mail	<u>      </u> Hand Delivery
<u>      </u> Facsimile	<u>      </u> Federal Express
<u>      </u> E-Mail	<u>  XX  </u> USDC E-file

/s/ Suzanne M. Fuhrman